

**REMARKS/ARGUMENTS**

This Amendment is responsive to the Office Action mailed on March 23, 2007. In this Amendment, claims 9, 18, and 27 are canceled, claims 1, 10, and 19 are amended, and claims 34-37 are added so that claims 1-8, 11-17, 19-26, and 28-37 are pending and subject to examination on the merits.

**I. 35 USC 102 - Sunder et al.**

Claims 1, 10, and 19 are rejected as being anticipated by Sunder et al. (U.S. Patent Publication No. 2005/0021781). This rejection is traversed. Claims 1, 10, and 19 are each amended with the limitation "initiating a payment request process" (or the like). The Examiner admits that Sunder et al. does not teach or suggest a central server adapted to initiate a charge request via a card association network in response to receiving an authentication response from an access control server (see page 5 of the Office Action). Sunder et al. describes a method for providing access point data associated with a network access point (see paragraph [0001]). It does not teach or suggest the initiation of a payment request process. Thus, the anticipation rejection based on Sunder et al. is improper.

**II. 35 USC 103 - Sunder et al. and Gerdes et al.**

Claims 2, 3, 9, 11, 12, 18, 20, and 21 are rejected as being unpatentable in view of Sunder et al. and Gerdes et al. (U.S. Patent Publication No. 2003/0046541). This rejection is traversed.

Obviousness has not been established, since one of ordinary skill in the art would not have been motivated to have modified Sunder et al. for the reason provided by the Examiner. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). MPEP § 2143.03. As noted above, Sunder et al. does not teach or suggest, *inter alia*, "initiating

a payment request process" (or the like). In the obviousness rejection, the Examiner states the following with respect to Gerdes et al.:

Gerdes et al. disclose the central transaction server is adapted to initiate a charge request via a card association network in response to receiving an authentication response from the access control server (see paragraph [0014]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system [disclosed] by Sunder et al. to include the central transaction server is adapted to initiate a charge request via a card association network in response to receiving an authentication request from the access control server. One of ordinary skill in the art would have been motivated to do this because it provides an additional level of security.

The Examiner alleges that one would have been motivated to "initiate a charge request" because "it provides an additional level of security." Even if Gerdes et al. is even remotely relevant to Sunder et al., it is unclear how initiating a charge request will "provide an additional level of security." Modifying Sunder et al. with a "charge request" would be irrelevant to the level of security provided by Sunder et al. Consequently, there is no motivation to modify Sunder et al. in the manner proposed by the Examiner, and obviousness has not been established with respect to claims 1, 10, 19, and any claims depending therefrom.

It is also noted that Sunder et al. describes a method and system for providing access point data associated with a network access point. Sunder et al. is concerned with determining the details of an access point prior to authenticating. See paragraph [0042] of Sunder et al. Sunder et al. is clearly not related to or concerned with authenticating a system such as a payment card system for conducting a transaction such as a payment card transaction.

**III. 35 USC 103 - Sunder et al. and Golan et al.**

Claims 4-6, 13-15, 22-24, and 28-31 are rejected as being unpatentable in view of Sunder et al. and Golan et al. (U.S. Patent Publication No. 2004/0254848). This rejection is traversed.

Golan et al. is cited to address the limitations in various dependent claims. Golan et al. does not remedy the above-described deficiency of Sunder et al.

**IV. 35 USC 103 - Sunder et al. and Otto et al.**

Claims 7, 16, and 25 are rejected as being unpatentable over Sunder et al. and Otto et al. (U.S. Patent Publication No. 2001/0029496). The Examiner admits that Sunder et al. does not expressly disclose an authentication request including a pseudonym corresponding to an electronic commerce card account number and previously created by a central transaction server. The Examiner alleges that this feature is taught by Otto et al., and that it would have been motivated to do this because "it secures [a] user's identity by providing a means for users to anonymously purchase goods and services over a network." This rejection is traversed.

The Examiner appears to cite paragraphs [0027]-[0029] of Otto et al. as teaching a pseudonym generated by a merchant system. However, the alleged pseudonym in Otto et al. is generated by a user, and not a merchant (see paragraph [0029] of Otto et al.). Accordingly, the Examiner's reliance on Otto et al. is based on a mischaracterization of Otto et al. and the rejection is improper.

**V. 35 USC 103 - Sunder et al. and Hogan et al.**

Claims 8, 17, and 26 are rejected as being unpatentable over Sunder et al. and Hogan et al. (U.S. Patent Publication No. 2002/01163641). The Examiner admits that admits that Sunder et al. does not expressly disclose an authentication request including a pseudonym corresponding to an electronic commerce card account number and previously created by a

central transaction server. The Examiner alleges that this feature is taught by Hogan et al., and that one would have modified the teachings in Sunder et al. with a pseudonym "because it protects messages and information being transmitted during a transaction." This rejection is traversed.

The Examiner appears to cite paragraphs [0025] and [0016] of Hogan et al. as teaching a pseudonym generated by a merchant system. However, the alleged pseudonym in Hogan et al. is generated by a service provider such as Mastercard, and not a merchant (see paragraphs [0025] and [0054] of Hogan et al.). Accordingly, the Examiner's reliance on Hogan et al. is based on a mischaracterization of Hogan et al. and the rejection is improper.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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